

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA :
: Crim. No. 15-193 (SDW)
v. :
WILLIAM E. BARONI, JR. and :
BRIDGET ANNE KELLY :
: :
UNITED STATES OF AMERICA :
: Crim. No. 15-209 (SDW)
v. :
DAVID WILDSTEIN :
: :
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DISMISSAL ORDER

This matter having come before the Court on the applications of the Defendants in these two cases (through their respective counsel) and Mark E. Coyne, Attorney for the United States acting under authority conferred by 28 U.S.C. § 515 (by Lee M. Cortes, Jr., Assistant U.S. Attorney), the Court makes the following findings of fact and conclusions of law:

1. On November 27, 2018, in *United States v. Baroni*, 909 F.3d 550 (3d Cir. 2018), the Court of Appeals affirmed the convictions of Defendants William E. Baroni, Jr. and Bridget Anne Kelly on Counts 1 to 7 of the Indictment against them but reversed their convictions on Counts 8 and 9.
2. On May 15, 2020, in *Kelly v. United States*, 140 S. Ct. 1565 (2020), the Supreme Court reversed the judgment of the Third Circuit regarding Mr. Baroni's

and Ms. Kelly's remaining counts of conviction. The Supreme Court's judgment issued on June 8, 2020.

3. On June 9, 2020, the Court of Appeals recalled its mandates in Mr. Baroni's and Ms. Kelly's appeals in accordance with the Supreme Court's decision.

4. On June 10, 2020, the Court of Appeals issued a mandate and judgment order in both appeals directing this Court to vacate Mr. Baroni's and Ms. Kelly's judgments of conviction and dismiss the Indictment against them.

5. Given the decisions by the Supreme Court and the Court of Appeals, Mr. Wildstein has asserted, and the United States does not dispute, that he is legally innocent of the offenses charged in the Information against him, to which he pled guilty, and that his judgment of conviction should be vacated under 28 U.S.C. § 2255.

6. The United States has requested that, if this Court vacates Mr. Wildstein's judgment of conviction under § 2255, this Court also grant the Government leave under Federal Rule of Criminal Procedure 48(a) to dismiss the Information against him.

7. Given these considerations, it is ORDERED that the Defendants' judgments of conviction are VACATED; the Indictment against Mr. Baroni and Ms. Kelly and the Information against Mr. Wildstein are DISMISSED; and these cases are now CLOSED.

s/Susan D. Wigenton
HONORABLE SUSAN D. WIGENTON
UNITED STATES DISTRICT JUDGE

Dated: June 11, 2020
Newark, New Jersey